

FINAL

GENERAL CONFORMITY DETERMINATION

**NEWHALL RANCH RESOURCE MANAGEMENT AND
DEVELOPMENT PLAN**

LOS ANGELES COUNTY, CALIFORNIA

United States Army Corps of Engineers
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

July 2011

TABLE OF CONTENTS

	Page
1.0 INTRODUCTION	1
2.0 REGULATORY BACKGROUND – GENERAL CONFORMITY	1
3.0 DESCRIPTION OF THE FEDERAL ACTION	2
3.1 Project Background	2
3.2 General Project Description	3
3.3 Project Location	3
3.4 Related Environmental Analysis	3
4.0 STATE IMPLEMENTATION PLAN	3
4.1 SIP Process	3
4.2 Status of SCAB Component of California SIP	4
4.3 Attainment Status of Project Location	4
5.0 SCOPE OF CONFORMITY ANALYSIS	4
5.1 Applicability Analysis	4
5.2 Direct & Indirect Emissions	8
6.0 AIR EMISSIONS INVENTORY	10
6.1 Analysis of Specific Project Years	11
6.2 2007 SIP Emission Budgets	11
7.0 GENERAL CONFORMITY DETERMINATION	11
7.1 1997/1999 SIP and 2007 SIP Emission Budgets	12
7.2 Comparison of Project Emissions to 1997/1999 SIP Emissions Budgets	12
7.3 Comparison of Project Emissions to 2007 SIP Emissions Budgets	14
7.4 Project Inclusion in Emission Budget and Inventory Assumptions	14
7.5 Projected levels of Emissions Growth are a Small Fraction of Approved Budget	17
7.6 2007 AQMP Constitutes a Commitment to Revise the SIP	17
7.7 Conformity Determination	18
8.0 MITIGATION	19

1.0 INTRODUCTION

Section 176(c) of the Clean Air Act (CAA; 42 U.S.C. § 7506(c)) requires federal agencies that license, permit or approve any activity to demonstrate that the action conforms to the applicable State Implementation Plan (SIP) before the action is approved. In this context, "conformity" requires that federal actions be consistent with the objective of SIPs to eliminate or reduce the severity and number of violations of the National Ambient Air Quality Standards (NAAQS), and achieve expeditious attainment of those standards.

This final general conformity determination has been prepared by the U.S. Army Corps of Engineers (Corps) for the Newhall Ranch Resource Management and Development Plan (RMDP; originally proposed Project), as proposed by The Newhall Land and Farming Company (Newhall), which is located in a nonattainment and maintenance area for certain NAAQS. The final determination has been prepared to assess whether the emissions that would result from the proposed federal action (*i.e.*, approval of the requested Clean Water Act (CWA) section 404 permit and associated RMDP by the Corps) would conform with the California SIP for the South Coast Air Basin (SCAB). The Corps has worked with the South Coast Air Quality Management District (SCAQMD) and Newhall to quantify the emissions associated with the originally proposed Project.

2.0 REGULATORY BACKGROUND – GENERAL CONFORMITY

CAA section 176(c)(1), "Limitation on Certain Federal Assistance," mandates that the federal government not engage, support, or provide financial assistance for licensing or permitting, or approving any activity that

does not conform to an approved CAA implementation plan. In California, the applicable plan is the California SIP, a U.S. Environmental Protection Agency (USEPA)-approved plan for the regulation and enforcement of the NAAQS in each air quality region within the state.

Section 176(c)(1) further defines conformity as the upholding of "an implementation plan's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving attainment of such standards." Conforming activities or actions should not, through additional air pollutant emissions:

- Cause or contribute to new violations of any NAAQS in any area;
- Increase the frequency or severity of any existing violation of any NAAQS; or
- Delay timely attainment of any NAAQS or interim emission reductions.

The USEPA promulgated general conformity regulations on November 30, 1993. The general conformity regulations are found in Title 40 of the Code of Federal Regulations (C.F.R.) at Part 93,¹ Subpart B, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans." The general conformity regulations require a general conformity determination for all federal actions in NAAQS nonattainment or maintenance areas where the total direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused

¹ In addition to being codified at 40 C.F.R. Part 93, the General Conformity Rule also was codified at Title 40 C.F.R. Part 51, Subpart W; however, an amendment to the Code of Federal Regulations deleted these duplicative regulations in Part 51, effective July 6, 2010.

by the federal action equal or exceed certain *de minimis* levels, as established by the USEPA regulations.²

The general conformity regulations were most recently amended on April 5, 2010, and the amendments became effective on July 6, 2010. The SCAQMD also adopted the provisions of 40 C.F.R. 93, Subpart B, in Rule 1901, "General Conformity," on September 9, 1994.

The general conformity regulations provide a step-by-step process, which begins with an applicability analysis. That is, before any approval for a federal action can be provided, the regulating federal agency must evaluate whether, on a pollutant-by-pollutant basis, a general conformity determination is required. The applicability analysis can be (but is not required to be) completed concurrently with any analysis required by the National Environmental Policy Act (NEPA). If the general conformity regulations are found to apply to the federal action, the regulating federal agency must next conduct a conformity evaluation, issue a draft determination for public review, and then publish the final determination.

3.0 DESCRIPTION OF THE FEDERAL ACTION

3.1 Project Background

By way of background, on May 27, 2003, the Los Angeles County Board of Supervisors approved the Newhall Ranch Specific Plan (Specific Plan), which establishes the general plan, zoning designations, and development standards

necessary to develop the Specific Plan site, consistent with the goals, objectives, and policies of the Los Angeles County General Plan and Santa Clarita Valley Area Plan. The Specific Plan provides for various residential and non-residential land uses, and includes the Newhall Ranch Water Reclamation Plant (WRP) and extensive open space and preservation areas.

Environmental review for both the Specific Plan and Newhall Ranch WRP was conducted by Los Angeles County, pursuant to the California Environmental Quality Act (CEQA). The County Board of Supervisors certified the adequacy of the Newhall Ranch Specific Plan Program EIR and the Newhall Ranch WRP Project EIR on May 27, 2003. After certification, the Board of Supervisors adopted the required resolution, findings, and conditions approving the Specific Plan, Newhall Ranch WRP, and other associated local project approvals.

After Specific Plan approval in May 2003, Newhall applied to the Corps for a CWA section 404 permit in conjunction with the construction of the RMDP infrastructure components needed to facilitate implementation of the Specific Plan. (CWA; 33 U.S.C. §§ 1251-1387.) Specifically, the RMDP infrastructure associated with the Specific Plan (*e.g.*, bridges, road crossing culverts, bank stabilization, *etc.*) would result in discharges of dredged or fill material into the Santa Clara River and its tributary drainages, which are considered waters of the United States under the CWA. Therefore, the federal action requested from the Corps is the issuance of a long-term, individual CWA section 404 permit to authorize construction of such infrastructure.

The proposed federal action assessed for general conformity is the portion of the originally proposed Project that involves the Corps' issuance of a CWA section 404

² By requiring an analysis of direct and indirect emissions, USEPA intends for federal agencies to account for emissions that are reasonably foreseeable and which agencies can practicably control.

permit for discharges of fill material into waters of the U.S.

3.2 General Project Description

Newhall proposes to construct and/or install the following RMDP-regulated activities:

- Bridges and road crossing culverts;
- Bank stabilization along the Santa Clara River and identified tributaries;
- Drainage facilities;
- Water quality control facilities;
- Modified, unmodified (preserved), and converted tributary drainages;
- Grade stabilization structures;
- Utility crossings;
- Temporary haul routes for grading and hauling equipment;
- Newhall Ranch WRP outfall construction;
- Roadway improvements to State Route 126 (SR-126);
- Recreational facilities.

3.3 Project Location

The Project site is located in the Santa Clara River Valley, which is in north unincorporated Los Angeles County, California between the City of Santa Clarita and the Los Angeles County/Ventura County jurisdictional boundary line. As previously indicated, the Project site is located in the SCAB, which is under the jurisdiction of the SCAQMD.

3.4 Related Environmental Analyses

Both NEPA and CEQA require that the originally proposed Project's air quality impacts be analyzed and disclosed. Accordingly, a joint Draft EIS/EIR, which

evaluated the potential environmental impacts of seven alternatives (including the originally proposed Project and a no project alternative), was circulated for public review and comment in April 2009. A draft iteration of this determination also was included as an appendix to the Final EIS/EIR. The Corps is the lead agency for the NEPA analysis documented in the EIS, and California Department of Fish and Game is the lead agency for the CEQA analysis documented in the EIR.

4.0 STATE IMPLEMENTATION PLAN

The California Air Resources Board (ARB) designates both air quality management districts and air pollution control districts within California for the purpose of implementing and enforcing the NAAQS on a regional or airshed basis. These districts prepare regional Air Quality Management Plans (AQMPs) to support the broader SIP, as well as to meet the goals of the California Clean Air Act (CCAA).

4.1 SIP Process

Section 110(a) of the CAA (42 U.S.C. §7410(a)) requires each state to adopt and submit to the USEPA a plan that provides for the implementation, maintenance, and enforcement of each NAAQS. In compliance with section 110(a), the ARB has submitted and continues to submit iterations of the California SIP to the USEPA in order to address NAAQS compliance in the SCAB and other air basins. In reviewing these submittals, the USEPA either can approve or disapprove the SIP in whole or in part. The compilation of a state's approved submittals constitutes that state's applicable SIP.

Every three years, the SCAQMD prepares and submits to the ARB an AQMP to

demonstrate how the SCAB will attain and maintain the NAAQS and the California Ambient Air Quality Standards (CAAQS). The AQMP contains extensive emission inventories of all emission sources in the SCAB, as well as various control measures applicable to many of these sources. Once the ARB approves the AQMP, it is submitted to the USEPA for approval and incorporation into the SIP.

4.2 Status of SCAB Component of California SIP

The SCAB's current approved component of the California SIP is based on the AQMP submitted by the SCAQMD to the ARB in 1997 (SCAQMD 1996) and supplemental information. In August 2003, the SCAQMD submitted to the ARB an updated AQMP, (SCAQMD 2003), and this formed the basis of a proposed SIP revision that was submitted to the USEPA on January 9, 2004. Although the USEPA partially approved the 2003 SIP revision in March 2009, they did not approve the attainment demonstration for ozone. In June 2007, SCAQMD submitted another update to its AQMP (SCAQMD 2007) to the ARB, which formed the basis of a proposed SIP revision that was submitted to the USEPA on November 16, 2007. No action has been taken by the USEPA on this latest SIP revision submittal.

Nonetheless, the general conformity regulations require the use of the latest and most accurate emission estimation techniques available, unless such techniques are inappropriate. (40 C.F.R. § 93.159(b).) Further, prior written approval from the SCAQMD or USEPA is required to modify or substitute emissions estimation techniques. It should be noted that the latest and most accurate emission estimation techniques available and used at the time of this evaluation may differ from the emission

estimation techniques used in establishing the USEPA-approved, applicable SIP emission budgets.

4.3 Attainment Status of Project Location

The area of the SCAB in which the originally proposed Project is located is currently designated as a severe nonattainment area (Severe-17) with respect to the 8-hour NAAQS for ozone (O₃), a maintenance area for carbon monoxide (CO), a serious nonattainment area for particulate matter with diameter less than or equal to 10 microns (PM₁₀), and a nonattainment area for particulate matter with diameter less than or equal to 2.5 microns (PM_{2.5}). SCAB is in attainment with NAAQS for nitrogen dioxide (NO₂) and lead.

As noted in the Final EIS/EIR, the SCAQMD requested that the USEPA "bump-up" the SCAB to the "extreme" nonattainment classification for ozone. The USEPA approved the reclassification, which was published in the Federal Register on May 5, 2010 and became effective on June 4, 2010. (75 Fed.Reg. 24409, 24417 (May 5, 2010).) The reclassification provides the SCAB with additional time to come into compliance with the 8-hour, ozone NAAQS, specifically extending the attainment year to 2024. (75 Fed.Reg. 24409, 24411; see also Final EIS/EIR, **Subsection 4.7.2.1.**) As in the Final EIS/EIR, the applicability analysis below applies the *de minimis* thresholds associated with the "extreme" classification.

5.0 SCOPE OF CONFORMITY ANALYSIS

5.1 Applicability Analysis

To preface, as the originally proposed Project would be located in the SCAB,

which has been designated as a nonattainment and maintenance area for several pollutant NAAQS, this evaluation addresses NO₂, O₃, CO, PM₁₀, PM_{2.5}, and related precursors. Specifically, nitrogen oxides (NO_x) and volatile organic compounds (VOC) are ozone precursors, and sulfur oxides (SO_x), NO_x and VOC emissions are PM_{2.5} precursors.

A conformity determination was required in a nonattainment and/or maintenance area, such as the SCAB, for each criteria pollutant or precursor where the total direct and indirect emissions of the criteria pollutant or precursor would equal or exceed specified annual emission rates, referred to as "*de minimis*" thresholds.

The *de minimis* thresholds for O₃ precursors and PM₁₀ depend on the severity of the nonattainment classification, as shown in **Table 1**. In an extreme ozone nonattainment area, the *de minimis* thresholds are 10 tons per year (tpy) for both NO_x and VOC. In a serious PM₁₀ nonattainment area, the *de minimis* threshold is 70 tpy. For other pollutants, the threshold is set at 100 tpy.³

This conformity determination contains an analysis of emissions based on the original 2008-2016 construction schedule presented in the EIS/EIR. In addition, this conformity determination includes a comparison of a 2010-2018 construction schedule to reflect the delay in the permitting schedule. By way of background, the USEPA suggested that this conformity determination be revised to reflect that no Project-related construction actually occurred in 2008 and 2009. In response to the USEPA's suggestion, the Corps has supplemented this analysis with additional information relating to the 2010-2018 construction schedule (see Tables 2a and 3a); however, the analysis

continues to include the original construction schedule for comparability with the EIS/EIR. As discussed below, the original and revised construction schedules result in the same conclusion regarding conformity.

Based on an evaluation of the emissions anticipated during project construction, the Corps has determined that a general conformity determination for NO_x is required because under the original 2008-2016 construction schedule, the originally proposed Project's estimated NO_x emissions would exceed the *de minimis* threshold for years 2008 through 2013, and 2015, as illustrated in **Table 2**.⁴ Similarly, under the 2010-2018 construction schedule, the originally proposed Project's estimated NO_x emissions would exceed the *de minimis* threshold for years 2010 through 2015, and 2017, as illustrated in **Table 2a**.⁵ A general conformity determination would not be required for any other pollutant because the *de minimis* thresholds for these pollutants would not be exceeded.

³ 40 C.F.R. § 93.153(b)(1).

⁴ 40 C.F.R. § 93.158.

⁵ 40 C.F.R. § 93.158.

Table 1
General Conformity *De Minimis* Thresholds

Pollutant	Attainment Status	Annual Emissions (ton/yr)
NO _x	Nonattainment/Severe-17 (Ozone)	10
VOC	Nonattainment/Severe-17 (Ozone)	10
PM ₁₀	Nonattainment/Serious	70
PM _{2.5} (direct)	Nonattainment	100
PM _{2.5} (NO _x) ¹	(Nonattainment)	100
PM _{2.5} (VOC and NH ₃) ²	(Nonattainment)	100
PM _{2.5} (SO _x)	(Nonattainment)	100
CO	Attainment/Maintenance	100

Notes:

¹ NO_x is included for PM_{2.5} unless determined not to be a significant precursor. However, the NO_x threshold based on its contribution to ozone is more stringent.

² VOC and ammonia (NH₃) are not included for PM_{2.5} unless determined to be a significant precursor. However, the VOC threshold based on their contribution to ozone is more stringent. Only very minor emissions of ammonia would be emitted to the atmosphere as a result of the proposed federal action.

Table 2
Direct Annual Construction Emissions

Year	VOC (tons/yr)	NO_x (tons/yr)	CO (tons/yr)	SO_x (tons/yr)	PM₁₀ (tons/yr)	PM_{2.5} (tons/yr)
2008	3.13	29.89	12.55	0.03	15.45	4.02
2009	3.31	31.28	12.97	0.03	9.51	2.83
2010	1.44	13.49	5.50	0.01	2.87	0.97
2011	2.08	18.93	8.16	0.02	8.25	2.25
2012	3.88	35.65	14.07	0.04	8.61	2.73
2013	3.78	34.00	13.49	0.04	20.04	5.05
2014	0.00	0.00	0.00	0.00	0.00	0.00
2015	4.94	41.15	17.59	0.06	28.14	6.92
2016	1.17	9.42	4.20	0.01	7.00	1.70
Thresholds (tons/yr)	10	10	100	100	70	100
Exceeds Threshold?	NO	YES, in 2008-2013 and 2015	NO	NO	NO	NO

Source: Impact Sciences.

Table 2a
Direct Annual Construction Emissions

Year	VOC (tons/yr)	NO_x (tons/yr)	CO (tons/yr)	SO_x (tons/yr)	PM₁₀ (tons/yr)	PM_{2.5} (tons/yr)
2010	3.13	29.89	12.55	0.03	15.45	4.02
2011	3.31	31.28	12.97	0.03	9.51	2.83
2012	1.44	13.49	5.50	0.01	2.87	0.97
2013	2.08	18.93	8.16	0.02	8.25	2.25
2014	3.88	35.65	14.07	0.04	8.61	2.73
2015	3.78	34.00	13.49	0.04	20.04	5.05
2016	0.00	0.00	0.00	0.00	0.00	0.00
2017	4.94	41.15	17.59	0.06	28.14	6.92
2018	1.17	9.42	4.20	0.01	7.00	1.70
Thresholds (tons/yr)	10	10	100	100	70	100
Exceeds Threshold?	NO	YES, in 2010- 2015 and 2017	NO	NO	NO	NO

Note: This table reflects a modified construction schedule that accounts for the delay in permitting the originally proposed Project. The addition of this table was recommended by the USEPA in light of the fact that no construction-related emissions occurred in 2008 and 2009.

Source: Impact Sciences.

5.2 Direct & Indirect Emissions

Consistent with section 176(c)(1) of the CAA, a federal action is generally defined as any activity engaged in or supported in any way by any department, agency, or instrumentality of the federal government.⁶ Where the federal action is a permit, license, or other approval for some aspect of a non-federal undertaking, the relevant activity is the part, portion, or phase of the non-federal undertaking that requires the federal license, permit, or approval. Consequently, the USEPA's definition of federal action indicates that, in complying with section 176(c), federal regulatory agencies are only responsible for analyzing the emissions resulting from the "part, portion, or phase" of the non-federal undertaking that they permit.

With this framework in mind, direct emissions are defined so as to include emissions of a criteria pollutant or its precursors that are caused or initiated by the federal action and occur at the same time and place as the action. Indirect emissions, on the other hand, are those emissions of a criteria pollutant or its precursors:

- "(1) That are caused or initiated by the Federal action and originate in the same nonattainment or maintenance area but occur at a different time or place as the action;
- (2) That are reasonably foreseeable;
- (3) That the agency can practically control; and
- (4) For which the agency has continuing program responsibility. For the purposes of this definition,

⁶ 40 C.F.R. § 93.152.

even if a Federal licensing, rulemaking or other approving action is a required initial step for a subsequent activity that causes emissions, such initial steps do not mean that a Federal agency can practically control any resulting emissions."⁷

As explained in the 1993 preamble:

"The EPA does not believe that it is reasonable to conclude that a Federal agency 'supports' an activity by third persons over whom the agency has no practicable control -- or 'supports' emissions over which the agency has no practicable control -- based on the mere fact that, if one inspects the 'causal' chain of events, the activity or emissions can be described as being a 'reasonably foreseeable' result of the agency's actions."⁸

In fact, the USEPA emphasized in the 1993 preamble that "the person's (*i.e.*, permit applicant's) activities that fall outside of the federal agency's continuing program responsibility to control are subject to control by state and local agencies."⁹ Therefore, the Corps does not have a continuing program responsibility to measure, monitor, control, or mitigate for air emissions that may result from the construction or operation of a non-Corps facility, even though some part, portion, or phase of that facility requires a permit from the Corps. Under the CAA, the state and local clean air agencies have full responsibility and authority to deal with those emissions, and to prevent or condition

⁷ 40 C.F.R. § 93.152; see also 75 Fed.Reg. 17273 (April 5, 2010).

⁸ 58 Fed.Reg. 63220 (Nov 30, 1993).

⁹ 58 Fed.Reg. 63222 (November 30, 1993).

the construction of the non-federal facility as necessary to deal with those air emissions.

The USEPA also stated its belief "that Congress did not intend the general conformity rule to affect innumerable Federal actions, impose analytical requirements on activities that are very minor in terms of Federal involvement and air quality impacts, and result in significant expense and delay."¹⁰

The preamble to the 1993 general conformity regulations provided an explicit discussion of the Corps' responsibility, which demonstrates the close relationship between the definition of federal action and the restrictive language from the definition of indirect emission, as follows:

"Assume for example, that the Corps issues a permit and that permitted fill activity represents one phase of a larger non-federal undertaking; *i.e.*, the construction of an office building by a non-federal entity. Under the conformity rule, the Corps would be responsible for addressing all emissions from that one phase of the overall office development undertaking that the Corps permit; *i.e.*, the fill activity at the wetland site. However, the Corps is not responsible for evaluating all emissions from later phases of the overall office development (the construction, operation, and use of the office building itself), because later phases generally are not within the Corps continuing program responsibility and generally cannot be practicably controlled by the Corps."¹¹

The 2010 revisions to the definition of "indirect emission" are consistent with the preamble to the original 1993 general conformity regulations, which explicitly defined and limited the responsibilities of the Corps with regards to non-federal activities requiring permit authorization from the Corps. In fact, the explanation accompanying the amended definition of "indirect emissions" in the new version of 40 C.F.R. § 93.152 provides:

"EPA is revising the definition of 'indirect emissions' to clarify what is meant by 'the agency can practically control' and 'for which the agency has continuing program responsibility.' This clarification represents USEPA's long standing position that Congress did not intend for conformity to apply to 'cases where, although licensing or approving action is a required initial step for a subsequent activity that causes emissions, the agency has no control over that subsequent activity, either because there is no continuing program responsibility or ability to practically control.'"¹²

In essence, the Corps is not legally required to document, analyze, and seek mitigation measures for any indirect emissions of actions requiring Corps permit authorization since the Corps: (i) cannot practicably control such emissions; and (ii) will not have a continuing program responsibility to maintain control over such emissions.

Based on the above, since the Corps would only authorize construction of the RMDP infrastructure improvements pursuant to section 404 of the CWA, only the RMDP itself is considered to be a federal action as defined by the general conformity regulations. In other words, because the

¹⁰ 58 Fed.Reg. 63219 (Nov 30, 1993).

¹¹ 58 Fed.Reg. 63227 (November 30, 1993).

¹² 75 Fed.Reg. 17254, 17260 (April 5, 2010).

Corps cannot practicably control emissions from and would not maintain control over activities beyond the infrastructure improvements, the direct and indirect construction and operation emissions associated with the overall land use development in the Specific Plan, which will be facilitated by the RMDP, are not included in this final conformity determination. In summary, the resulting NO_x emissions from construction of the RMDP infrastructure alone are analyzed for conformity to the California SIP.¹³

6.0 AIR EMISSIONS INVENTORY

The air emissions inventory for the RMDP is based on the identification of air contaminants and estimated emission rates for the proposed Project. Emissions of VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} were calculated for the construction-related emission sources. Construction-related emissions were calculated for off-road construction equipment, and for each year during the projected construction period. Note that while not required by NEPA, in addition to the construction scenario discussed in the Final EIS/EIR, *i.e.*, 2008-2016, this analysis includes disclosure of an additional construction schedule of 2010-2018. No operation-related emissions were calculated for the originally proposed Project because once the structures are in place, only incidental emissions associated with inspections, maintenance and repair events would be generated. (See also 40 C.F.R. § 93.153(c)(2).)

¹³ U.S. Army Corps of Engineers. Memorandum For All Major Subordinate Commanders, and District Commanders, Subject: EPA's Clean Air Act (CAA) General Conformity Rule, from Lester Edelman, Chief Counsel, USACE (CECC-E). (April 20, 1994).

For purposes of this final conformity determination, it is assumed that the annual emissions in a given year would be essentially the same for each alternative. However, the overall length of the construction period might be shorter or longer than the originally proposed Project (Alternative 2) under a given alternative. For example, the construction period for Alternative 3 would be approximately two months shorter than for Alternative 2. (See Final EIS/EIR, **Subsection 4.7.5.6.1.**) These differences would not substantially change the findings of this conformity analysis, as Alternative 2 includes the maximum development scenario of all the alternatives.

The Corps has identified the least environmentally damaging practicable alternative (LEDPA), which is similar to Modified Alternative 3 in the Final EIS/EIR. (See Record of Decision, **Appendix A**, final Clean Water Act section 404(b)(1) alternative analysis.) This conformity analysis accounts for the potential emissions associated with Alternative 3, and hence the LEDPA, because it assumes the maximum emission scenario associated with Alternative 2. Because this analysis reflects the maximum development scenario, the LEDPA emissions would not exceed the emissions levels discussed herein.

The RMDP infrastructure would facilitate build-out of the approved Specific Plan. However, as discussed in **Section 5.2**, the Corps would not practicably control emissions associated with such build-out, nor would it retain continuing program responsibility over the originally proposed Project once the construction activities in and over navigable waters of the United States/waters of the United States are

completed.¹⁴ Thus, emissions related to build-out of the approved Specific Plan were not included in this conformity determination.

6.1 Analysis of Specific Project Years

Total originally proposed Project emissions were calculated for each year between 2008 and 2016 for each pollutant identified. The estimated annual emissions are summarized in **Table 2**, above. As shown in **Table 2**, the annual emissions of NO_x would exceed the *de minimis* threshold in 2008 through 2013 and 2015. In addition, annual emissions for an adjusted schedule between 2010 and 2018 are presented in **Table 2a** above and **Table 4a** below. The annual emissions of NO_x under the 2010-2018 construction schedule would exceed the *de minimis* threshold in 2010 through 2015 and 2017.

The general conformity regulations require that a general conformity determination analyze the following emissions scenarios:

"(1) The attainment year specified in the SIP, or if the SIP does not specify an attainment year, the latest attainment year possible under the Act; or (2) The last year for which emissions are projected in the maintenance plan; (3) The year during which the total of direct and indirect emissions from the action is expected to be the greatest on an annual basis; and (4) Any year for which the applicable SIP specifies an emissions budget."

(40 C.F.R. § 93.159(d), as amended, effective July 6, 2010.) As discussed in **Section 5.2**, *supra*, this general conformity determination is properly focused on

emissions related to RMDP infrastructure construction only. Nonetheless, the analysis contained in this general conformity determination addresses all emission scenarios required by 40 C.F.R. § 93.159(d) (as amended, effective July 6, 2010) as follows: (1) The originally proposed Project does not propose construction activity in the attainment year identified in the 2007 AQMP, which is year 2021 (that said, please note the attainment year has been extended to year 2024 in light of the SCAB's reclassification to "extreme" nonattainment status for the 8-hour, ozone NAAQS); (2) There is not an applicable maintenance plan for NO_x emissions; (3) Annual direct NO_x emissions are expected to be the greatest in year 2015 (or 2017 under the adjusted schedule), as shown in **Tables 4, 4a, and 5, infra**; and (4) The general conformity determination contains analysis of originally proposed Project emissions within years for which the SIP has specified a budget, including 2008, 2010, 2011, 2014, and 2017.

6.2 2007 SIP Emission Budgets

Even though the 2007 SIP has not yet been approved by the USEPA, the general conformity regulations require that the Corps use the latest and most accurate emission estimation techniques available.¹⁵ Therefore, the 2007 AQMP data is utilized in this analysis. Further details regarding the methodology and assumptions used in the calculations and the resulting estimates can be found in the Final EIS/EIR (Final EIS/EIR, **Subsection 4.7.9**).

7.0 GENERAL CONFORMITY DETERMINATION

A federal action is considered to conform when the direct and indirect emissions of pollutants resulting from the action either

¹⁴ Ibid.

¹⁵ 40 C.F.R. § 93.159(b).

complies or is consistent with all relevant requirements and milestones in the SIP. The applicability threshold in extreme ozone nonattainment areas is 10 tpy for NO_x. Pursuant to the general conformity regulations and Rule 1901 (as adopted by the SCAQMD), a federal action conforms with the SIP if it meets one of several requirements set forth in 40 C.F.R. § 93.158, "Criteria for Determining Conformity of General Federal Actions."

The total originally proposed Project emissions for NO_x are projected to exceed the 10 tpy general conformity threshold in some years. Therefore, general conformity must be demonstrated for those years in which the applicable SIP specifies an emissions budget (*i.e.*, milestone). In the 2007 AQMP, the milestone years are 2005, 2008, 2010, 2011, 2014, 2017, 2020, and 2030. The future emission forecast for these years are based on demographic and economic growth projections provided by the Southern California Association of Governments (SCAG).

Although construction emissions from the RMDP infrastructure improvements have not been explicitly included as a specific source in the 2007 AQMP's growth projections (because the 2007 AQMP does not call out any specific developments in such a manner), based on available information, the Corps believes that the federal action will meet the requirements of 40 C.F.R. § 93.158(a)(5)(i). This regulation applies to ozone or nitrogen dioxide where the USEPA has approved a revision to an area's attainment demonstration after 1990 and (A) the state makes a determination that the emissions total from the action, or portion thereof, is determined and documented by the SCAQMD to result in a level of emissions which, together with all other emissions in the SCAB nonattainment

area, would not exceed the SIP emission budgets, or (B) the state makes a commitment to revise the SIP in a way that accommodates the federal action.¹⁶

7.1 1997/1999 SIP and 2007 SIP Emission Budgets

The most recent, USEPA-approved SIP must be used for emission budget analyses. The 1997 AQMP, together with its supplemental 1999 information, form the basis for the current, USEPA-approved O₃ SIP. However, since the USEPA could approve all or part of the 2007 AQMP for O₃ in the near future, the emissions from the proposed federal action are considered with respect to both the currently approved 1997/1999 SIP emission budgets and the 2007 SIP emission budgets.

7.2 Comparison of Originally Proposed Project Emissions to 1997/1999 SIP Emission Budgets

Originally proposed Project-related NO_x emissions were compared to the total 1997/1999 SIP emission budgets for the Off-Road Equipment source category for the applicable milestone years. As illustrated in **Table 3** and **Table 3a**, the originally proposed Project's NO_x emissions are significantly smaller than the NO_x emission inventories for the 1997/1999 SIP Off-Road Equipment source category.

¹⁶ SCAQMD has provided a letter consistent with 40 C.F.R. § 93.158(a)(5)(i), which is attached to this general conformity determination.

Table 3
Comparison Of Direct Originally Proposed Project Emissions With 1997/1999 AQMP Emission Budget
for Heavy-Duty Non-Agricultural Diesel Mobile Equipment

Construction Year	SIP Emissions Budget ¹	Direct Project Emissions
	NO _x (tons/day) ²	NO _x (tons/day) ³
2008	13.80	0.25
2009	11.80	0.36
2010	9.80	0.34
2011	9.83	0.31
2012	9.86	0.51
2013	9.89	0.49
2014	9.93	0.00
2015	9.96	0.52
2016	9.99	0.24

¹ Emission budgets provided by Jill Whynot, Planning and Rules Manager, SCAQMD, July 11, 2007.

² NO_x emissions budget is the Planning (Ozone Season) daily emissions.

³ Total maximum daily NO_x emissions converted to tons/day including application of SCAQMD Rule 403 (Fugitive Dust), and conservatively including emissions from construction worker vehicles, which account for a small contribution. These NO_x emissions are primarily from off-road diesel equipment.

Table 3a
Comparison Of Direct Originally Proposed Project Emissions With 1997/1999 AQMP Emission Budget
for Heavy-Duty Non-Agricultural Diesel Mobile Equipment

Construction Year	SIP Emissions Budget ^{1, 4}	Direct Project Emissions
	NO _x (tons/day) ²	NO _x (tons/day) ³
2010	9.80	0.25
2011	9.83	0.36
2012	9.86	0.34
2013	9.89	0.31
2014	9.93	0.51
2015	9.96	0.49
2016	9.99	0.00
2017	9.99	0.52
2018	9.99	0.24

¹ Emission budgets provided by Jill Whynot, Planning and Rules Manager, SCAQMD, July 11, 2007.

² NO_x emissions budget is the Planning (Ozone Season) daily emissions.

³ Total maximum daily NO_x emissions converted to tons/day including application of SCAQMD Rule 403 (Fugitive Dust), and conservatively including emissions from construction worker vehicles, which account for a small contribution. These NO_x emissions are primarily from off-road diesel equipment.

⁴ NO_x emission budgets for 2017 and 2018 are estimated to be approximately 9.99 tons/day based on budgets from prior years.

7.3 Comparison of Originally Proposed Project Emissions to 2007 SIP Emission Budgets

Similarly, originally proposed Project-related NO_x emissions were compared to the total 2007 SIP emission budgets for the Off-Road Equipment source category for the applicable milestone years. As illustrated in **Table 4 and Table 4a**, and provided in greater detail in **Table 5**, the originally proposed Project's NO_x emissions are also significantly smaller than the NO_x emission inventories for the 2007 SIP Off-Road Equipment source category. The data in **Table 4, Table 4a**, and **Table 5** do not include proposed Project emissions or emission budgets from off-site mobile sources associated with workers and delivery vehicles.¹⁷

7.4 Originally Proposed Project Inclusion in Emission Budget and Inventory Assumptions

The off-road source category (*i.e.*, construction equipment) emissions included in the 2007 AQMP were calculated using on the ARB's November 1, 2006 off-road model. The emissions were based on updated off-road equipment population, activity and emission factors. Furthermore, the 2007 AQMP emission budgets were derived using growth factors with the year 2002 as the baseline year. Appendix III from the 2007 AQMP provides the following

¹⁷ Off-site, construction-related emission sources (*e.g.*, construction worker commute trips, material delivery hauling trips, debris/spoils disposal hauling trips) are accounted for in the conforming 2004 SCAG Regional Transportation Plan, which is included in the SCAQMD 2007 AQMP (due to the extensive discussions of, and plans for growth in the SCAG region presented in that document). Those emissions, therefore, are excluded from this general conformity analysis. (40 CFR §93.158(a)(5)(ii)).

explanation regarding development of the emission budgets in the AQMP:

"Information necessary to produce an emission inventory for the Basin is obtained from the AQMD and other governmental agencies, including CARB, California Department of Transportation (Caltrans), and Southern California Association of Governments (SCAG).

Each of these agencies is responsible for collecting data (*e.g.*, industry growth factors, socio-economic projections, travel activity levels, emission factors, emission speciation profile, emissions) and developing methodologies (*e.g.*, model and demographic forecast improvements) required to generate a comprehensive emissions inventory. Entire statewide emissions inventories are compiled and maintained by CARB in its emission related information databases named California Emission Inventory Development and Reporting System (CEIDARS), and California Emission Forecasting and Planning Inventory System (CEFIS). CARB is the agency responsible for developing the emissions inventory for all the mobile sources.

CARB provided on-road and off-road inventories from their EMFAC2007 V2.3 and Off-Road Models in the Final 2007 SCAG and is the primary agency for projecting the growth. Caltrans provides SCAG with information regarding highway projects. SCAG incorporates these data into their Travel Demand Model for estimating/projecting vehicle miles traveled (VMT) and speed.

CARB's on-road inventory also relies on SCAG's VMT estimates."¹⁸

Because the Specific Plan was approved in 2003 and the AQMP off-road emissions were updated in 2006, it is prudent to assume that an approved project would be part of the SCAG's planning documents and projections that were used to develop the 2007 AQMP. Additionally, since the emission budgets in the 2007 AQMP were based on SCAG demographic projections and CARB emission models, the construction impacts associated with the Newhall Ranch Specific Plan (originally approved in 1999, and finally approved in 2003) were accounted for in the 2007 AQMP emission budgets. Moreover, the proposed federal action would be a very small fraction of the applicable NO_x emission budgets; therefore, it is reasonable to conclude that the 2007 AQMP emission budgets can accommodate the originally proposed Project together with all other emissions in the SCAB nonattainment area. Based on the aforementioned approval, timeline, and amount of the NO_x emissions, the Corps believes that the Specific Plan and the RMDP infrastructure improvements emissions are included in the most recent 2007 AQMP for the SCAB.

In addition, the originally proposed Project's off-site onroad mobile source NO_x emissions have been accounted for and included in SCAG's 2008 Regional Transportation Plan (RTP) and, therefore, in the SIP emission budgets.

¹⁸ South Coast Air Quality Management District, *Final 2007 Air Quality Management Plan*, (2008), Appendix III, p. II-1-1 (2007); ([http://www.aqmd.gov/aqmp/07aqmp/aqmp/App endix_III.pdf](http://www.aqmd.gov/aqmp/07aqmp/aqmp/App%20endix_III.pdf)).

Table 4
Comparison Of Direct Originally Proposed Project Emissions With 2007 AQMP Emission Budget
for Heavy-Duty Non-Agricultural Diesel Mobile Equipment

Construction Year	SIP Emissions Budget ¹	Direct Project Emissions ²
	NO _x (tons/year)	NO _x (tons/year)
2008	69,601.85	29.89
2009	NA	31.28
2010	62,736.20	13.49
2011	59,641.00	18.93
2012	NA	35.65
2013	NA	34.00
2014	50,088.95	0.00
2015	NA	41.15
2016	NA	9.42

¹ SCAQMD, 2007 Air Quality Management Plan, Total Off-Road Equipment Code 860.

² Includes application of SCAQMD Rule 403 fugitive dust mitigation requirements. **Bold text** indicates years that exceed *de minimis* threshold, see **Table 2** above.

NA = Not available.

Table 4a
Comparison Of Direct Originally Proposed Project Emissions With 2007 AQMP Emission Budget
for Heavy-Duty Non-Agricultural Diesel Mobile Equipment (Alternate Schedule)

Construction Year	SIP Emissions Budget ¹	Direct Project Emissions ²
	NO _x (tons/year)	NO _x (tons/year)
2010	62,736.20	29.89
2011	59,641.00	31.28
2012	NA	13.49
2013	NA	18.93
2014	50,088.95	35.65
2015	NA	34.00
2016	NA	0.00
2017	41,106.30	41.15
2018	NA	9.42

¹ SCAQMD, 2007 Air Quality Management Plan, Total Off-Road Equipment Code 860.

² Includes application of SCAQMD Rule 403 fugitive dust mitigation requirements, but conservatively does not include any reductions in emissions factors based on the alternate dates. **Bold text** indicates years that exceed *de minimis* threshold, see **Table 2** above.

NA = Not available.

7.5 Projected Emissions are a Small Fraction of Approved Budget

Tables 3, 3a, 4, 4a, and 5 illustrate that NO_x emissions from the proposed federal action are a very small fraction of the applicable NO_x emission budgets in both the 1997/1999 and 2007 SIPs.¹⁹ With respect to the 2007 SIP, for all milestone years under the 2008-2016 schedule, proposed NO_x emissions of the source category would produce a maximum of 0.04 percent of the corresponding SIP emission source category. Under the 2010-2018 schedule, proposed NO_x emissions of the source category would produce a maximum of 0.1 percent of the corresponding SIP emission source category in the maximum project emissions year, which also corresponds to a milestone year.

In addition, the recent economic downturn has resulted in delays to some construction activities that would otherwise have occurred during the 2007 AQMP timelines. Thus, some of the projected emissions for the SCAB have not occurred in the anticipated timeframes, creating an even greater margin within which the proposed Project emissions are accommodated.

7.6 2007 AQMP Constitutes a Commitment to Revise the SIP

Under 40 C.F.R. § 93.158(a)(5)(i)(B), a positive conformity determination can be made where a state makes a commitment to revise its SIP in a way that accommodates the federal action. As discussed above, the 2007 AQMP emission budgets can accommodate the originally proposed Project together with all other emissions in the SCAB nonattainment area. Thus, in

¹⁹ The 2007 SIP has not yet been approved by the USEPA. However, it has been adopted by the ARB and represents the latest plan available.

addition to originally proposed Project emissions comprising a very small fraction of the applicable NO_x emission budgets in both the 1997/1999 SIP and 2007 AQMP, the 2007 AQMP also represents a commitment by the state to revise the SIP in a way that accommodates additional growth in the SCAB, including the subject proposed federal action.

The operative regulation outlines five elements for such a commitment; and, as discussed herein, all five of those elements are satisfied by the 2007 AQMP in relation to this proposed federal action.²⁰

(1) A specific schedule for adoption and submittal of a revision to the SIP that would achieve the needed emissions reductions prior to the time emissions from the federal action would occur.

Here, a "specific schedule" would not be necessary because the necessary SIP revisions were submitted to the USEPA in November 2007.

(2) Identification of specific measures for incorporation into the SIP that would result in a level of emissions which, together with all other emissions in the nonattainment or maintenance area, would not exceed any emissions budget specified in the applicable SIP.

The 2007 AQMP contains specific control measures and strategies to demonstrate attainment of the 1997 8-hour ozone standard in the SCAB.

(3) A demonstration that all existing applicable SIP requirements are being implemented in the area for the pollutants affected by the federal action, and that local

²⁰ 40 C.F.R. § 93.158(a)(5)(i)(B).

authority to implement additional requirements has been fully pursued.

The 2007 AQMP discusses plan implementation, documents the progress that SCAQMD and CARB have made in adopting control measures, and demonstrates that there are no other measures that could be adopted to advance the attainment date.

(4) A determination that the responsible federal agencies have required all reasonable mitigation measures associated with their action.

The SCAQMD provided comments on the Draft EIS/EIR, including recommendations to revise and supplement the mitigation measures included as part of the originally proposed Project. The originally proposed Project's air quality mitigation measures were revised in response to the SCAQMD's comments. Thus, it can be concluded that the originally proposed Project now includes all reasonable mitigation measures.

(5) Written documentation, including all air quality analyses, supporting the conformity determination.

The 2007 AQMP contains detailed emissions modeling information to support the emission baseline and budget calculations for the SCAB. In addition, Section 4.7 of the EIS/EIR and related appendices include detailed information regarding the construction emissions addressed in this final determination.

In summary, the 2007 AQMP represents a commitment by the state to revise the SIP in a way that accommodates additional growth and construction activities in the SCAB, including those included in the subject federal action.

7.7 Conformity Determination

Pursuant to the general conformity regulations (40 C.F.R. § 93.158), this Final General Conformity Determination is being provided to demonstrate that the RMDP infrastructure improvements will conform with the California SIP. First, however, emission levels of VOCs, CO, SO_x, PM₁₀, and PM_{2.5} are below the *de minimis* thresholds. Therefore, the federal action is not subject to a general conformity determination for those pollutants. Second, not only will the originally proposed Project necessarily comply with all state and regional rules and regulations designed to bring the state into compliance with the NAAQS, the Corps believes that the originally proposed Project-related NO_x emissions are within and conform to the corresponding SIP emission budgets established for the SCAB for the following reasons:

- The estimated originally proposed Project emissions represent only a small percentage of the emission budgets from the USEPA-approved 1997/1999 SIP, and the 2007 SIP.
- The Specific Plan was originally approved in 1999 and finally approved in 2003; therefore, emissions associated with construction of the infrastructure necessary to support the Specific Plan, which are the subject of this final determination, were incorporated into SCAG population projections that were used to develop the 2007 SIP emission budgets.

In summary, the Corps hereby concludes that the proposed federal action conforms to the purpose of the approved SIP and is consistent with all applicable requirements.

8.0 MITIGATION

As identified in **Tables 3, 3a, 4, and 4a** above, the federal action, as evaluated in this analysis, assumes application of SCAQMD Rule 403 for fugitive dust. Thus, the federal action incorporates SCAQMD's Rule 403.

No mitigation, as defined under the General Conformity Regulations (40 C.F.R. § 93.160), is required to support a positive general conformity determination. However, the Corps recognizes that Los Angeles County previously imposed mitigation measures to minimize impacts to air quality as part of its adoption of the Specific Plan and Newhall Ranch WRP. These measures are specified by the certified Newhall Ranch Specific Plan Program EIR and the adopted Mitigation Monitoring Plans for the Specific Plan and Newhall Ranch WRP (May 2003) and were included in **Section 4.7** of the EIS/EIR along with several additional air quality project design features/mitigation measures.

As discussed above, the Corps cannot practicably control emissions from and would not maintain control over activities beyond the RMDP infrastructure improvements, and therefore, the direct and indirect construction and operation emissions associated with the overall land use development in the Specific Plan, which will be facilitated by the RMDP, are not included in this final conformity determination.

Table 5
Comparison of Originally Proposed Project Emissions and 2007 SIP Emissions Budgets

Construction Year	Areas of Activity	Pollutant					
		VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
2008							
	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	3.09	29.85	12.17	0.03	15.45	4.02
	SIP Emissions budgets ² in year 2008 (tons/day)						
	Total Architectural Coatings and Related Solvent (code 520)	101.83					
	Total Asphalt Paving/Roofing (code 540)	0.88					
	Total Construction and Demolition (code 630)					49.83	4.99
	Total Paved Road Dust (code 640)					122.28	18.46
	Total Unpaved Road Dust (code 645)					10.31	1.02
	Total Fugitive Windblown Dust (code 650)					2.29	0.34
	Total Off-Road Equipment (code 860)	79.91	190.69	674.97	0.18	11.65	10.47
	Total Onroad Vehicles	210.35	435.34	2,115.74	2.10	24.90	17.75
	SIP Emissions Budget Subtotal (tons/year)	143,434.05	228,500.95	1,018,609.15	832.20	80,759.90	19,355.95
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)	0.005%	0.043%	0.005%	0.038%	0.022%	0.031%
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	Yes	No	No	No	No
2009							
	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	3.25	31.22	12.43	0.03	9.50	2.83
	SIP Emissions budgets ² in year 2009 (tons/day)			NA ³			
	Total Architectural Coatings and Related Solvent (code 520)						
	Total Asphalt Paving/Roofing (code 540)						
	Total Construction and Demolition (code 630)						
	Total Paved Road Dust (code 640)						
	Total Unpaved Road Dust (code 645)						

Table 5
Comparison of Originally Proposed Project Emissions and 2007 SIP Emissions Budgets

Construction Year	Areas of Activity	Pollutant					
		VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	Total Fugitive Windblown Dust (code 650)						
	Total Off-Road Equipment (code 860)						
	Total Onroad Vehicles						
	SIP Emissions Budget Subtotal (tons/year)						
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)						
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	Yes	No	No	No	No
2010							
	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	1.42	13.47	5.28	0.01	2.87	0.97
	SIP Emissions budgets ² in year 2010 (tons/day)						
	Total Architectural Coatings and Related Solvent (code 520)	23.13					
	Total Asphalt Paving/Roofing (code 540)	0.93					
	Total Construction and Demolition (code 630)					52.87	5.30
	Total Paved Road Dust (code 640)					123.38	18.63
	Total Unpaved Road Dust (code 645)					10.28	1.02
	Total Fugitive Windblown Dust (code 650)					2.19	0.33
	Total Off-Road Equipment (code 860)	72.31	171.88	671.87	0.18	10.55	9.46
	Total Onroad Vehicles	182.19	386.72	1,817.62	2.11	24.33	17.35
	SIP Emissions Budget Subtotal (tons/year)	101,674.40	203,889.00	908,663.85	835.85	81,614.00	19,012.85
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)						
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	Yes	No	No	No	No

Table 5
Comparison of Originally Proposed Project Emissions and 2007 SIP Emissions Budgets

Construction Year	Areas of Activity	Pollutant					
		VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
2011	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	2.05	18.90	7.88	0.02	8.24	2.25
	SIP Emissions budgets ² in year 2011 (tons/day)						
	Total Architectural Coatings and Related Solvent (code 520)	23.40					
	Total Asphalt Paving/Roofing (code 540)	0.95					
	Total Construction and Demolition (code 630)					54.31	5.44
	Total Paved Road Dust (code 640)					123.97	18.72
	Total Unpaved Road Dust (code 645)					10.28	1.02
	Total Fugitive Windblown Dust (code 650)					2.15	0.32
	Total Off-Road Equipment (code 860)	68.95	163.40	672.65	0.18	10.00	8.95
	Total Onroad Vehicles	171.66	361.40	1,700.81	2.15	24.34	17.30
	SIP Emissions Budget Subtotal (tons/year)	96,710.40	191,552.00	866,312.90	850.45	82,143.25	18,888.75
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)	0.006%	0.032%	0.003%	0.029%	0.011%	0.018%
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	Yes	No	No	No	No
2012	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	3.83	35.60	13.58	0.04	8.60	2.73
	SIP Emissions budgets ² in year 2012 (tons/day)			NA ³			
	Total Architectural Coatings and Related Solvent (code 520)						
	Total Asphalt Paving/Roofing (code 540)						
	Total Construction and Demolition (code 630)						
	Total Paved Road Dust (code 640)						

Table 5
Comparison of Originally Proposed Project Emissions and 2007 SIP Emissions Budgets

Construction Year	Areas of Activity	Pollutant					
		VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	Total Unpaved Road Dust (code 645)						
	Total Fugitive Windblown Dust (code 650)						
	Total Off-Road Equipment (code 860)						
	Total Onroad Vehicles						
	SIP Emissions Budget Subtotal (tons/year)						
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)						
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	Yes	No	No	No	No
2013							
	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	3.73	33.95	12.96	0.04	20.03	5.05
	SIP Emissions budgets ² in year 2013 (tons/day)						
	Total Architectural Coatings and Related Solvent (code 520)						
	Total Asphalt Paving/Roofing (code 540)						
	Total Construction and Demolition (code 630)						
	Total Paved Road Dust (code 640)						
	Total Unpaved Road Dust (code 645)						
	Total Fugitive Windblown Dust (code 650)						
	Total Off-Road Equipment (code 860)						
	Total Onroad Vehicles						
	SIP Emissions Budget Subtotal (tons/year)						
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)						
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100

NA³

Table 5
Comparison of Originally Proposed Project Emissions and 2007 SIP Emissions Budgets

Construction Year	Areas of Activity	Pollutant					
		VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	Exceed General Conformity Thresholds?	No	Yes	No	No	No	No
2014							
	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	-	-	-	-	-	-
	SIP Emissions budgets ² in year 2014 (tons/day)						
	Total Architectural Coatings and Related Solvent (code 520)	24.19					
	Total Asphalt Paving/Roofing (code 540)	1.02					
	Total Construction and Demolition (code 630)					58.68	5.88
	Total Paved Road Dust (code 640)					125.76	18.99
	Total Unpaved Road Dust (code 645)					10.26	1.02
	Total Fugitive Windblown Dust (code 650)					2.03	0.30
	Total Off-Road Equipment (code 860)	60.51	137.23	687.69	0.19	7.99	7.10
	Total Onroad Vehicles	144.06	292.24	1,392.93	2.22	24.01	16.83
	SIP Emissions Budget Subtotal (tons/year)	83,869.70	156,756.55	759,426.30	879.65	83,486.45	18,293.80
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	No	No	No	No	No
2015							
	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	4.87	41.08	16.92	0.06	28.13	6.92
	SIP Emissions budgets ² in year 2015 (tons/day)			NA ³			
	Total Architectural Coatings and Related Solvent (code 520)						
	Total Asphalt Paving/Roofing (code 540)						
	Total Construction and Demolition (code 630)						

Table 5
Comparison of Originally Proposed Project Emissions and 2007 SIP Emissions Budgets

Construction Year	Areas of Activity	Pollutant					
		VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	Total Paved Road Dust (code 640)						
	Total Unpaved Road Dust (code 645)						
	Total Fugitive Windblown Dust (code 650)						
	Total Off-Road Equipment (code 860)						
	Total Onroad Vehicles						
	SIP Emissions Budget Subtotal (tons/year)						
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)						
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	Yes	No	No	No	No
2016							
	Originally Proposed Project Direct Annual Construction Emissions ¹ for General Conformity Determination (tons/year)	1.15	9.40	4.04	0.01	7.00	1.70
	SIP Emissions budgets ² in year 2016 (tons/day)						
	Total Architectural Coatings and Related Solvent (code 520)						
	Total Asphalt Paving/Roofing (code 540)						
	Total Construction and Demolition (code 630)						
	Total Paved Road Dust (code 640)						
	Total Unpaved Road Dust (code 645)						
	Total Fugitive Windblown Dust (code 650)						
	Total Off-Road Equipment (code 860)						
	Total Onroad Vehicles						
	SIP Emissions Budget Subtotal (tons/year)						
	Fraction of SIP Emissions Budgets (Exclude Onroad Emissions)						

NA³

Table 5
Comparison of Originally Proposed Project Emissions and 2007 SIP Emissions Budgets

Construction Year	Areas of Activity	Pollutant					
		VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	General Conformity Thresholds (tons/year)	10	10	100	100	70	100
	Exceed General Conformity Thresholds?	No	No	No	No	No	No

Notes:

1. Some mitigation of fugitive dust emissions has been applied to the Project emission values, and values have been rounded to the nearest hundredth. Numbers may vary slightly as compared to **Table 2** due to rounding.
2. Sources: Appendix III in 2007 AQMP, SCAQMD (http://www.aqmd.gov/aqmp/07aqmp/aqmp/Appendix_III.pdf).
3. NA = not available.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

FAX NUMBER (909) 396-3252
for
OFFICE OF SCIENCE & TECHNOLOGY ADVANCEMENT
and
OFFICE OF PLANNING, RULE DEVELOPMENT & AREA SOURCES

FAX COVER SHEET

DATE:	<u>8/11/10</u>	PAGES (including cover):	<u>5</u>
TO:	<u>Matt Carpenter</u>	PHONE:	_____
COMPANY:	_____	FAX #:	<u>661-255-4277</u>
FROM:	<u>Kathy Hsiao</u>	PHONE:	<u>909-359-3056</u>
SUBJECT:	<u>Newhall RMDP</u>		

MESSAGE:

Hi Matt,

Hope this copy is more readable.

Kathy

PLEASE DELIVER IMMEDIATELY: YES NO

Cleaning the air that we breathe...



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

August 10, 2010

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, Ventura Field Office
ATT: Aaron O. Allen, Chief, North Coast Branch
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Re: Response to the Draft General Conformity Determination for the Newhall Ranch
Resource Management and Development Plan

Dear Mr. Allen,

South Coast Air Quality Management District (District) staff has reviewed the Draft General Conformity Determination (dated June 2010) for the Newhall Ranch Resource Management and Development Plan ("RMDP") in Los Angeles County, California. We understand the Draft Conformity Determination to conclude that the project can be found to conform to the State Implementation Plan (SIP) under one of the two criteria, i.e., 40 CFR 93.158(a)(1) [emissions from project are specifically identified and accounted for in the applicable SIP's attainment or maintenance demonstration], and 93.158(a)(5)(i)(A) [budget test].

Based on our review of the Draft Conformity Determination, we agree with the contention that the 2007 South Coast Air Quality Management Plan (AQMP), together with the 2007 State Strategy, provides the U.S. Army Corps of Engineers (USACE) with a basis upon which to make a positive conformity determination for this project under 40 CFR 93.158(a)(5)(i)(B) but note that USACE's Conformity Determination cannot simply conclude that the submitted SIP revisions satisfy this particular criterion for conformity, but must rely upon documentation by, in this case, the District for such a conclusion. The purpose of this letter is to provide that documentation. More specifically, the purpose of this letter is to explain how the California Air Resources Board's (CARB's) submittal to EPA of the 2007 South Coast AQMP and 2007 State Strategy satisfies the criterion under 40 CFR 93.158(a)(5)(i)(B) of EPA's general conformity rule allowing a positive conformity determination in light of a written commitment for a SIP revision.

EPA's General Conformity rule (40 CFR part 93, subpart B, and 40 CFR Part 51, Subpart W, as adopted by reference in SCAQMD Rule 1901, September 1994, hereafter cited to as 40 CFR Part 93) establishes an applicability test for determining which Federal actions are subject to the conformity requirement. If a proposed action would result in emissions increases less than identified de minimis thresholds, then no conformity determination need be made. If emissions from a proposed action would exceed the de minimis threshold for any given maintenance or nonattainment pollutant (or precursor), then the Federal Agency must make a positive conformity determination for that pollutant(s) on the basis of one of the criteria listed in 40 CFR 93.158.

The USACE determined that RMDP would exceed the de minimis threshold for emissions of oxides of nitrogen (NO_x) (as a precursor to ozone), and must make a conformity determination for that pollutant using one of the criteria under 40 CFR 93.158. From the data presented in the general conformity determination, the estimated construction NO_x emissions from this project are 29.89 tons per year for 2008, 31.38 tons per year, 13.49 tons per year, 18.93 tons per year, 35.65 tons per year, 34 tons per year for 2009 through 2013 respectively and 41.15 tons per year for 2015. The project emissions are above the extreme ozone nonattainment NO_x de minimis threshold (10 tons per year). [Emissions increases of the other pollutants would be below the applicable de minimis thresholds.]

The general conformity determination stated that on May 27, 2003 the Los Angeles County Board Supervisors approved the Newhall Ranch Specific Plan which established the general plan, zoning designations, and development standards necessary to develop the Specific Plan site. The emissions associated with construction of the infrastructure necessary to support the Specific Plan, which are the subject of this draft determination, were incorporated into Southern California Association of Government (SCAG) population projections that were used in the 2007 SIP emission inventories. The District received confirmation from SCAG that this project was included in the projections used in the 2007 AQMP and emissions associated with this project were included in the 2007 AQMP. This is consistent with the conformity criterion in 40 CFR 93.158(a)(5). Therefore, this project meets the general conformity determination requirements.

In the following paragraphs, we explain how the 2007 AQMP fulfills each of the elements identified in 40 CFR 93.158(a)(5)(i)(B) for SIP revisions that may be relied upon by Federal agencies to make a positive conformity determination.

(1) A specific schedule for adoption and submittal of a revision to the SIP which would achieve the needed emissions reductions prior to the time emissions from the Federal action would occur;

A schedule for adoption and submittal of a SIP revision is unnecessary because the necessary SIP revisions have already been submitted. Specifically, the 2007 AQMP was adopted by the District on June 1, 2007, and by CARB on September 27, 2007, and was submitted to EPA on November 28, 2007. The 2007 State Strategy, upon which the 2007 AQMP relies in part, was adopted on September 27, 2007, and submitted to EPA on

November 16, 2007. An amendment to the 2007 State Strategy was submitted to EPA on August 12, 2009.

(2) Identification of specific measures for incorporation into the SIP which would result in a level of emissions which, together with all other emissions in the nonattainment or maintenance area, would not exceed any emissions budget specified in the applicable SIP;

The 2007 AQMP and 2007 State Strategy set forth new and amended control measures and strategies intended to meet, among other requirements, the requirement to demonstrate reasonable further progress (RFP) and attainment of the 1997 8-hour ozone standard. Specifically, Chapter 4 of the 2007 AQMP, and the Proposed State Strategy for California 2007 State Implementation Plan (release date April 26, 2007)(as revised per CARB Resolution 07-28), describe in detail the control strategies that the District and CARB have adopted to demonstrate RFP and attainment of the 1997 8-hour ozone standard.

(3) A demonstration that all existing applicable SIP requirements are being implemented in the area for the pollutants affected by the Federal action, and that local authority to implement additional requirements has been fully pursued;

Tables 1-2 and 1-3 of the 2007 AQMP show the progress that the District and CARB have made in adopting control measures set forth in previous plans for the South Coast. See Chapter 7 of the 2007 AQMP for a specific discussion of the issue of plan implementation. Appendix VI of the 2007 AQMP includes a Reasonably Available Control Measure (RACM) demonstration that indicates that no other measures could be adopted that would advance the attainment date by a year.

CARB is also acting on its current SIP commitments, as demonstrated in the Status Report on the State Strategy for California's 2007 State Implementation Plan (SIP) and Proposed Revision to the SIP Reflecting Implementation of the 2007 State Strategy, submitted to U.S. EPA on August 12, 2009. The status report identified rules adopted by CARB that will provide 87 percent of the needed reductions in nitrogen oxides (NOx) that the state committed to in order to attain the PM_{2.5} standard in the South Coast Air Basin in 2014.

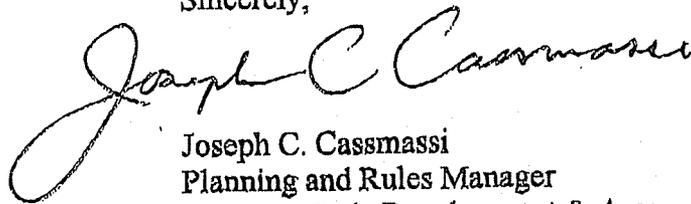
(4) Written documentation including all air quality analyses supporting the conformity determination;

The submittals of the 2007 AQMP and 2007 State Strategy contain detailed technical information documenting the emissions projections and modeling input and output upon which the plans are based. See, for example, the 2007 AQMP, Chapters 3 ("Base Year and Future Emissions") and 5 ("Future Air Quality"), and their related Appendices III and V, respectively.

In conclusion, the District has confirmed that the Newhall Ranch RMDP was included the 2007 South Coast SIP (i.e., 2007 AQMP and 2007 State Strategy), and that the 2007 South Coast SIP satisfies the individual elements for SIP revisions that may be relied upon for conformity determinations, as set forth in 40 CFR 93.158(a)(5)(i)(B). Furthermore, this Draft General Conformity Determination conforms to federal conformity regulations and has been conducted in accordance with the requirements of 40 CFR parts 6, 51, and 93.

If you have any questions, please contact me at 909-396-3155 or jcassmassi@aqmd.gov, or contact Ms. Kathy Hsiao at (909) 396-3056 or khsiao1@aqmd.gov.

Sincerely,



Joseph C. Cassmassi
Planning and Rules Manager
Planning, Rule Development & Area
Sources
South Coast Air Quality Management
District
(909) 396-3155
jcassmassi@aqmd.gov

cc. Barbara Baird, SCAQMD
Elaine Chang, SCAQMD
✓ Kathy Hsiao, SCAQMD
Sylvia Oey, CARB
Wienke Tax, USEPA Region 9
Jefferson Wehling, USEPA Region 9
Earl Withycombe, CARB